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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,064	09/28/2001	Robert E. Van Cleve	1662-41100 JMH (P01-3617)	4192
23505	7590	08/13/2004	EXAMINER DU, THUAN N	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			ART UNIT 2116	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/966,064

Applicant(s)

VAN CLEVE ET AL.

Examiner

Thuan N. Du

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2116

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-22 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Esfahani et al. [Esfahani] (U.S. Patent No. 6,434,695).
4. Regarding claims 1 and 18, Esfahani teaches computer system comprising:
 - a CPU (10) [Fig. 1];
 - a main memory array (RAM 12, NVRAM 20) [Fig. 1];
 - a first bus bridge coupling the CPU and main memory array [col. 3, lines 11-14];
 - a primary expansion bus (bus 18) [Fig. 1; col. 3, line 11];
 - a secondary expansion bus [col. 3, lines 11-12];
 - a second bus bridge coupling the primary and secondary expansion bus [col. 3, lines 11-14];
 - a read only memory (ROM 11) coupled to the expansion bus [Fig. 1], where the ROM stores a first set of basic input output system (BIOS) programs [Fig. 5; col. 6, lines 29-31, 36, 48-

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49], and further where the ROM stores a first set of operating system drivers [Fig. 5; col. 6, lines 41-44]; and

wherein at least one operating system driver of the first set of operating system drivers is read from the ROM during booting of the computer system [col. 4, lines 43-45; col. 5, lines 7-9].

Esfahani does not explicitly teach the OS drivers are read from the ROM during installation of an operating system.

However, one of ordinary skill in the art would have readily recognized that it would have been obvious to obtain drivers stored in ROM as taught by Esfahani, instead of any other storage device such as floppy, CD-ROM, because it would increase the convenience for the user by simplifying the operation system installation process.

5. Regarding claims 2-4, 9 and 19, it would have been obvious to one of ordinary skill in the art to create a backup copy of the BIOS program and the OS drivers which is also stored in the same ROM.

6. Regarding claims 5, 9 and 20, Esfahani teaches that the ROM comprises an EEPROM [col. 3, lines 26-29].

7. Regarding claim 6, it would have been obvious to one of ordinary skill in the art to divide the ROM into portions, wherein each portion storing programs of the same category.

8. Regarding claim 7, it would have been obvious to one of ordinary skill in the art to create a backup copy of the BIOS program which is also stored in the same ROM.

9. Regarding claim 8, Esfahani teaches that the ROM comprises an EEPROM [col. 3, lines 26-29].

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10. Regarding claims 10-17 and 21-22, since they recite method of operating of the apparatus defined in the apparatus claims, they are rejected accordingly based on the rejection of the apparatus claims.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.



Thuan N. Du
August 6, 2004